



Docket No. 1567.1059

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Jea-Woan LEE

Serial No. 10/691,476

Group Art Unit: To Be Assigned

Confirmation No. 5031

Filed: October 23, 2003

Examiner: To Be Assigned

For: **NEGATIVE ELECTRODE FOR LITHIUM BATTERY AND LITHIUM BATTERY
COMPRISING SAME**

PETITION TO THE COMMISSIONER

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On June 23, 2004 a Notice of Incomplete Nonprovisional Application was mailed by the U.S. Patent & Trademark Office for the above-identified application, a copy of which is enclosed. In the Notice, it was asserted that a filing date of October 23, 2003 was not accorded to the above-identified application since a complete specification was not provided.

However, as indicated in the enclosed date stamped Postcard, the Office of Initial Patent Examination received a New Application Fee Transmittal Form, a Utility Patent Application Transmittal, a Utility Patent Application including Specification (13 pages), Claims (4 pages), Abstract (1 page), and Drawings including FIG. 1 (1 sheet). A copy of all filed papers is enclosed for your reference.

In the enclosed Postcard including the serial number, there is no indication that any parts were missing.

As such, it is respectfully submitted that the Applicant has shown the specification compliant with 35 U.S.C. §112 was filed at the United States Patent and Trademark Office on October 23, 2003, and that the filing date of October 23, 2003 should be accorded the instant application.

Additionally, the Notice of Incomplete Nonprovisional Application indicates that the statutory basic filing fee is missing and the oath or declaration is also missing.

Accordingly, Applicants hereby submit the statutory basic filing fee and a copy of the combined oath and declaration.

Also enclosed is the petition fee of \$130.00 set forth in 37 C.F.R. §1.17(h). Should the Office agree to accord the instant application the October 23, 2003 filing date, a request for a refund of the petition fee is respectfully requested as set forth in the enclosed Notice.

If any further fees are required in connection with the filing of this Petition, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicant's attorney.

Date: July 22, 2004

Respectfully submitted,
STAAS & HALSEYLLP



Michael D. Stein
Registration No. 37,240

1201 New York Avenue, N.W., Suite 700
Washington, D.C. 20005
Telephone: (202) 434-1500